

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3298



March 1, 2004

**To: All Wholesale Cellular Telephone Utilities**

**All Reseller Cellular Telephone Utilities**

**All Personal Communications Carriers**

**All Radio Telephone Utilities:**

Article 5 of the Public Utilities Code grants authority to the Public Utilities Commission to require all public utilities doing business in California to file reports on their California operations as specified by the Commission.

Carriers are to file an annual report, the Affiliate Transaction Report. For your convenience the format for this report for the calendar year 2003 filing is attached, and should be completed as shown.

Submit the Affiliate Transaction Report (**Attachment A**) in hard copy and in machine-readable copy using Microsoft Word **no later than May 3, 2004**.

Address your report to: California Public Utilities Commission

Telecommunication Division

Financial Report Section, Rm. 3107

505 Van Ness Avenue

San Francisco, CA 94102-3298

The Affiliate Transaction Reports fall within the Commission General Order (GO) 66-C and Public Utilities Code Section § 583. These statutes address public inspection of reports filed with the Commission. The Commission staff cautions against the indiscriminate use of Public Utilities Code section 583 to classify as "confidential" information submitted in accordance with the Attachment. It has been the long-term practice of this Commission to release annual reports to the public upon request.

Annual reports are public records and, as such, if they fail to fall within the provisions of General Order No. 66-C or the exemptions of the California Public Records Act (Government Code section 6250 et seq.), they are required to be open to public inspection. Even those records exempted from public inspection may be made public upon a case-specific determination of the Commission that the public interest in disclosure outweighs the public interest in maintaining the confidentiality of such records (See section 6255 of the Government Code).

The policy of the California Public Records Act and the practices of this Commission favor making public records readily available to the public. Accordingly, if you plan to claim confidential status for any information submitted in your reports, any such claim should be prominently noted and be

supported by a detailed explanation of the reasons and facts that substantiate the necessity for confidential treatment. For example, in relying on G.O. 66C, Section 2.2(b), which exempts from disclosure information which, if revealed, would place the regulated company at an unfair business disadvantage, the mere allegation of being placed in an unfair business disadvantage is not sufficient to establish it as fact. More factual support demonstrating how the disadvantage resulting from disclosure of the information could occur is required. Data publicly exposed in other contexts (e.g. corporation annual reports, Security Exchange Commission disclosure filings) should not be claimed to be confidential information when submitted in accordance with the Attachments.

If you request confidential treatment for annual report submissions, use this procedure: file one copy of the full and complete version of the report and one copy of the report with the claimed confidential information removed and the term REDACTED inserted in the blank area. Requests by the public to review documents, for which confidential treatment has been requested, shall be handled pursuant to General Order 66-C.

Failure to file this report on time may result in a penalty as provided for in sections 2107 and 2108 of the Public Utilities Code.

If you have any questions concerning the Affiliated Transaction Report, please call (415) 703-2883.

Sincerely,

Michael D. McNamara, Chief  
Carrier Branch  
Telecommunications Division

## **Attachment A**

### **2003 CALENDAR YEAR AFFILIATE TRANSACTION REPORT**

1. Each utility shall list and provide the following information for each affiliated entity and regulated subsidiary that the utility had during the period covered by the annual Affiliate Transaction report.
  - Name;
  - Form of organization (e.g. corporation, partnership, joint venture, strategic alliance, etc.);
  - Brief description of business activities engaged in;
  - Relationship to the utility (e.g. controlling corporation, subsidiary, regulated subsidiary, affiliate)
  - Ownership of the utility (including type and percent ownership),
  - Voting rights held by the utility and percent;
  - Corporate officers;
2. The utility shall prepare and submit a corporate organization chart showing any and all corporate relationships between the utility and its affiliated entities and regulated subsidiaries listed in #1 above. The chart should have the controlling corporation (if any) at the top of the chart; the utility and any subsidiaries and/or affiliates of the controlling corporation in the middle levels of the chart and all secondary subsidiaries and affiliates (e.g. a subsidiary that in turn is owned by another subsidiary or and/or affiliate) in the lower levels. Any regulated subsidiary should be clearly noted.
3. For a utility that has individuals who are classified as "controlling corporations" of the competitive utility, the utility must only report under the requirements of #1 and #2 above any affiliated entity that either a) is a public utility or b) transacts any business with the utility filing the annual report excluding the provision of tariffed services.
4. Each annual report must be signed by a corporate officer of the utility stating under penalty of perjury under the laws of the State of California (CCP 2015.5) that the annual report is complete and accurate with no material omissions.
5. Any required material that a utility is unable to provide must be reasonably described and the reasons the data cannot be obtained, as well as the efforts expended to obtain the information, must be set forth in the utility's annual Affiliate Transaction Report and verified in accordance with Section I-F of Decision 93-02-019.
6. Utilities that do not have affiliated entities must file, in lieu of the annual transaction report, an annual statement to the commission stating that the utility had no affiliated entities during the report period. This statement must be signed by a corporate officer of the utility stating under penalty of perjury under the laws of the State of California (CCP 2015.5) that the annual report is complete and accurate with no material omissions.

